



# United States Department of the Interior

NATIONAL PARK SERVICE  
Congaree Swamp National Monument  
200 Caroline Sims Road  
Hopkins, South Carolina 29061

IN REPLY REFER TO:

December 22, 2000

Michael K. Buckley, P.E. Director  
Technical Services Division  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20472

Dear Mr. Buckley:

This letter is in response to your correspondence dated November 22, 2000, that extends the comment period for the resolution of appeals of the Congaree River flood hazard study, including the September 26, 2000 Appeal Resolution for Richland and Lexington Counties, South Carolina (Appeal Resolution Report).

Congaree Swamp National Monument, a unit of the National Park System lies downstream of the study site and is functionally dependent on the Congaree River. The ecosystem of the Monument is inherently vulnerable to hydrologic alterations. The NPS Organic Act (16 U.S.C. 1) and the 1978 amendment to the National Park System General Authorities Act of 1970 (16 U.S.C. 1a-1) specifically directs us to protect against any impairment of park resources, in particular, impairment to those resources for which a park was specifically established. In this case, Congaree Swamp National Monument was established to preserve and protect for the education, inspiration, and enjoyment of present and future generations an outstanding example [and largest intact tract] of old-growth southern bottomland hardwood forest.

As you know, the National Park Service has an extensive history in participating in FEMA's administrative process regarding these issues and has a vested interest in continuing to participate. Congaree Swamp National Monument is located within Richland County, South Carolina approximately 10 miles south of the study site. In accordance with 44 CFR Part 67, we respectfully request to be recognized as a formal appellant in this process. Although the current map meets our standard for acceptance, we note that FEMA has made it clear that changes to this map may occur as a result of the comments received by February 15, 2001. Because FEMA has said it will not allow comments after the next map revision, we want to insure that the comments we have supplied will be officially incorporated into the administrative record. The NPS submitted technical comments to FEMA by letter dated October 26, 2000 (see Attachment). We request that FEMA formally consider those comments during this extended comment period.

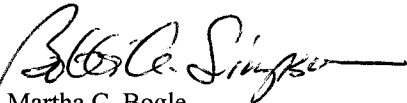
FEMA's national policy regarding floodplains and wetlands is reflected in 44 CFR Part 9, which implements Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). That policy, detailed at 44 CFR 9.2(b), begins with the principal statement that FEMA's policy is to provide leadership in floodplain management and the protection of wetlands. Although the present proceeding, to revise a base flood elevation map, appears to be exempt from the formal planning process of Part 9 by way of 44 CFR 9.5(f)(2)(iv), that same regulation states that FEMA "shall comply with the spirit of the Orders to the extent practicable." Therefore, during this administrative process, NPS urges that FEMA resolve all data and methodology issues in favor of the spirit of the policies of E.O.'s 11998 and 11990, which discourage development in floodplains and wetlands and encourage the preservation of internationally recognized wetlands such as Congaree Swamp National Monument.

We would like to reiterate that we maintain our support of the base flood elevation map produced in the September 26 Appeal Resolution Report. Although the U.S. Geological Survey advises NPS that it found some items of concern with the Appeal Resolution Report map, we concur with their assessment that the problems identified would, in all probability, not result in a significant revision of the September 26 map.

Our continued interest in this issue focuses on our shared desire to develop scientifically credible and defensible information for the Congaree River floodplain. With the protection of the resources of Congaree Swamp National Monument in mind, we want to be fully involved in the review and analysis of any information or challenges that would result in additional revisions to the Appeal Resolution Report map.

We believe that serving as an official appellant in this process will further enhance our efforts to protect those resources entrusted to us. Thank you for considering these comments as a formal appeal. We look forward to resolution of this matter in the near future.

Sincerely,

*for*  
*Acting*  
  
Martha C. Bogle  
Superintendent

Attachment

cc:

The Honorable Kit Smith, Chair of Richland County Council  
Cary McSwain, County Administrator, Richland County, South Carolina  
J.T. Begley, Field Solicitor, US Department of Interior, Knoxville, Tennessee  
Mike Soukup, National Park Service, Associate Director, Natural Resource Stewardship and Science  
Dan Kimball, National Park Service, Chief, Water Resources Division  
Tom York, Chief, Office of Surface Water, US Geological Survey  
Pat Hooks, Deputy Director, Southeast Region, National Park Service  
John Yancy, Associate Director, Southeast Region, National Park Service